

REMARKS

Reconsideration of the Election of Species Requirement is respectfully requested.

The examiner identified six species of invention as follows:

Species 1: Claims 1-6, as illustrated in Figs. 1-4

Species 2: Claims 7-9, as illustrated in Figs. 5-6

Species 3: Claims 10-12, as illustrated in Figs. 7-8

Species 4: Claims 13-16, as illustrated in Figs. 9-11

Species 5: Claims 17-18, as illustrated in Figs. 12-13

Species 6: Claims 17 and 19, as illustrated in Figs. 14-15

Applicants provisionally elect the claims of **Species 2**, that is claims 7, 8 and 9. Applicants also submit that the **Species 3** which includes claims 10-12 are closely interrelated with the **Species 1**. Also Figs. 1-3 of **Species 1** shows a structure that is similar to the **Species 2** structure of Figs. 5-6.

The examiner considers that the **Species 1** Figs. 1-4 and claims 1-6 are interrelated. Fig. 4 of **Species 1** relates to an engagement piece (attachable to the underside of a shoe). This being the case, the **Species 3** claims 10-12 also relate to an engagement piece and should thus be included within **Species 2**.

Please note that page 5 of the specification, at lines 19-32 discusses the interrelationship between Figs. 1-3 (**Species 1**) and Fig. 5 (**Species 1**) with a functional link to Fig. 4 (**Species 1**). Thus it is believed that **Species 1** and **Species 2** could be logically considered as one species and that the **Species 3**, along with the new claim 20 could also be included in the combinable group of **Species 1** and **Species 2**.

Applicants thus respectfully submit that a search of the claims in **Species 1, 2** and **3** can be conducted together without any more significant effort than would be made to conduct the search and examination of the elected claims of **Species 2**.

Accordingly, applicants submit that the following guidelines of MPEP §803 are applicable

“If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits even though they include claims to independent or distinct inventions.”

In view of the foregoing remarks reconsideration of the Election of Species Requirement is respectfully requested and examination of the the claims of **Species 1-3** is solicited.

Dated: July 17, 2009

RODMAN & RODMAN
10 Stewart Place – Suite 2CE
White Plains, New York 10603

Telephone: (914) 949-7210
Facsimile (914) 993-0668
1124-03 Response to Restriction Requirement

Respectfully submitted,
/Philip Rodman/
Philip Rodman, Reg. No. 25,704
Attorney For Applicants